

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Art Marketing Group, et al.,

Plaintiffs,

vs.

Poor & Co., et al.,

Defendants.

No. CV-04-2764-PHX-RCB

**SETTLEMENT CONFERENCE ORDER**

This case has been referred to United States Magistrate Judge Edward C. Voss for a settlement conference. The purpose of the settlement conference is to facilitate resolution of the referenced case.

Rule 408, Federal Rules of Evidence, applies to all aspects of the settlement conference. All communications and information exchanges made in the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose. At the conclusion of the settlement conference, all documents submitted by the parties shall be returned, destroyed, or otherwise disposed of in the manner directed by the settlement judge.

Pursuant to Rule 16, Federal Rules of Civil Procedure, and 28 U.S.C. §473(b)(5),

**IT IS ORDERED** that all parties and, if represented, their counsel, **SHALL** physically appear before Magistrate Judge Edward C. Voss, Courtroom 304, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona, on **Wednesday**,

1 **January 31, 2007 at 9:00 a.m.** The settlement conference shall continue until concluded  
2 by the court.


3 **IT IS FURTHER ORDERED** that each separately represented party and each  
4 unrepresented party, if any, shall submit a completed settlement statement form (a copy is  
5 attached for your use) in an envelope marked "Confidential" addressed to Hon. Edward C.  
6 Voss, Settlement Conference Judge, United States District Court, 401 West Washington  
7 Street, SPC 75, Phoenix, Arizona, 85003-2120. The statement may be hand-delivered or  
8 mailed; however, **it must be received by the Settlement Conference Judge on or before**  
9 **January 16, 2007.**

10 **IT IS FURTHER ORDERED COUNSEL WHO WILL BE RESPONSIBLE FOR**  
11 **TRIAL OF THE LAWSUIT FOR EACH PARTY SHALL PERSONALLY APPEAR**  
12 **AND PARTICIPATE IN THE SETTLEMENT CONFERENCE.**

13 **IT IS FURTHER ORDERED** that each party shall attend the settlement conference  
14 in person unless the court finds good cause to permit a party to appear by telephone. A  
15 corporation, association, partnership, business entity, organization, governmental agency, or  
16 political body shall appear through a representative having full binding settlement authority  
17 in addition to counsel.

18 **IT IS FURTHER ORDERED THAT FAILURE TO COMPLY WITH ANY**  
19 **PORTION OF THIS ORDERED MAY RESULT IN SANCTIONS.**

20 DATED this 30<sup>th</sup> day of November, 2006.

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Edward C. Voss  
United States Magistrate Judge

**CONFIDENTIAL SETTLEMENT STATEMENT**

IN RE: CV-

**THIS DOCUMENT IS CONFIDENTIAL AND SHOULD BE SENT DIRECTLY TO THE SETTLEMENT CONFERENCE JUDGE, HON. EDWARD C. VOSS, UNITED STATES DISTRICT COURT, 401 WEST WASHINGTON STREET, SPC 75, PHOENIX, ARIZONA, 85003-2120. THIS DOCUMENT SHALL NOT BE SERVED ON THE OPPOSING PARTY NOR FILED WITH THE CLERK OF THE COURT. THIS DOCUMENT WILL BE DESTROYED AT THE CONCLUSION OF THE SETTLEMENT CONFERENCE PROCEEDINGS. NO REFERENCE TO THIS DOCUMENT OR ITS CONTENTS SHALL BE MADE IN ANY MOTIONS, BRIEFS OR OTHER DOCUMENTS FILED IN THIS CASE. THIS DOCUMENT SHALL BE INADMISSIBLE IN EVIDENCE IN ANY JUDICIAL PROCEEDING.**

PARTY SUBMITTING STATEMENT: \_\_\_\_\_

NAME OF ATTORNEY SUBMITTING STATEMENT: \_\_\_\_\_  
(OR PARTY IF UNREPRESENTED BY COUNSEL)

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

1 SHORT DESCRIPTION OF FACTS:

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14 ISSUES TO BE RESOLVED:

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1 DESCRIBE ANY PRIOR SETTLEMENT DISCUSSIONS, OFFERS OR DEMANDS:

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14 DESCRIBE THE STRENGTHS AND WEAKNESSES OF YOUR CASE:

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1 IN ADDITION TO ECONOMIC INTERESTS, WHAT OTHER OUTCOME DO YOU  
2 HOPE TO ACHIEVE AS A RESULT OF THIS LITIGATION?

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12 ANY OTHER INFORMATION THAT YOU FEEL WOULD HELP THE  
13 SETTLEMENT CONFERENCE JUDGE:

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19 **The parties are free to use any format to provide answers to the questions**  
20 **posed. The only limit to the length of any answer provided is the application of**  
21 **common sense.**

22 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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25 Signature of Counsel or Party  
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